

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>12302650/e</b>	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. <b>PCT/AU03/01077</b>	International filing date (day/month/year) <b>22 August 2003</b>	(Earliest) Priority Date (day/month/year) <b>23 August 2002</b>
Applicant <b>GENERA BIOSYSTEMS PTY LTD et al</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of **5** sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure

☐ because this figure better characterizes the invention

☒ None of the figures

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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01077

**Box I** Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos :  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos : 1-30 (in part)  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  
Claim 1, and to some extent the subsequent claims, is extremely broad in scope and the art is well worked. The cited documents represent only a small sample of possible citations. Although more documents could have been cited against claim 1, it was considered nothing would be served by introducing many more citations.
3. ☐ Claims Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

**Box II** Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

## Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01077

**A. CLASSIFICATION OF SUBJECT MATTER**Int. Cl. <sup>7</sup>: C07K 1/04; C12Q 1/68; G01N 33/53, 33/543

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
MEDLINE, CA, WPIDS, BIOSIS; keywords: microsphere microparticle or nanosphere and similar terms, code#, encode#,  
addressable, addressing, encoding, label?, fluorophore or fluoresc?, dna ,rna, oligonucleotide, nucleic, snp, deconvol?

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/62772 A (XENOPORT, INC) 30 August 2001 See whole document	1 - 30
X	WO 01/46460 A (EPIGENOMICS AG) 28 June 2001 See whole document	1 - 30
X	WO 97/14028 A (LUMINEX CORPORATION) 17 April 1997 See whole document	1-20, 22-30

☒ Further documents are listed in the continuation of Box C☒ See patent family annex

- \* Special categories of cited documents:
- |   |  |
|---|--|
| "A" document defining the general state of the art which is not considered to be of particular relevance  | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  |
| "E" earlier application or patent but published on or after the international filing date   | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone   |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" document referring to an oral disclosure, use, exhibition or other means  | "&" document member of the same patent family  |
| "P" document published prior to the international filing date but later than the priority date claimed  |  |

Date of the actual completion of the international search  
18 September 2003

Date of mailing of the international search report  
10 OCT 2003

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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01077

C (Continuation).

## DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Needels, M <i>et al.</i> , "Generation and screening of an oligonucleotide-encoded synthetic peptide library", <i>Proc. Natl. Acad. Sci.</i> Vol 90, pp. 10700-10704, 1993 See whole document	1-20, 22-30

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INTERNATIONAL SEARCH REPORT  
Information on patent family members

International application No.  
PCT/AU03/01077

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
WO	01/62772	AU	41668/01	EP	1259323	US	2001031475
WO	01/46460	AU	30015/01	CA	2397844	DE	19963536
		EP	1242628				
WO	9714028	AU	73989/96	CA	2227895	EP	852004
		US	5981180	US	6524793	US	5736330
		US	6057107	US	6449562		
END OF ANNEX							

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